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Donna K. Hodges

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EXAMINER

ANTONIENKO, DEBRA L

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/720,780	Applicant(s) HODGES ET AL.	
	Examiner DEBRA ANTONIENKO	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8, 10-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/18/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 December 2009 has been entered.

2. This is a Non-Final Office Action in response to communications received 18 December 2009, wherein:

- Claim 1 has been previously withdrawn;
- Claims 9 and 13 have been previously cancelled;
- Claims 2-8, 10-12, and 14-20 have been amended; therefore,
- Claims 1-8, 10-12, and 14-20 are pending.

Double Patenting

3. The Terminal Disclaimer filed 18 December 2009 has been approved.

Response to Amendment

4. Amendments to Claims 7 and 19 are sufficient to overcome the indefiniteness and the lack of antecedent basis.

Response to Arguments

5. As to Applicant's remarks that *the cited documents teach away from their combination* and cannot support a *prima facie* case for obviousness (page 10 of Remarks dated 18 December 2009), Examiner respectfully disagrees. Applicant states that *[i]f Lang is combined*

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with Homayoun, Hurwitz, Kato, and Giese, as the Office Action proposes, then Lang's principle of operation must be changed to incorporate all the teachings of Homayoun, Hurwitz, Kato, and Giese. The published application to Lang, for example, must have its principle of operation changed to transmit a "tracing packet," a "filtering processing packet," and a "driving packet," as Kato's paragraph [0059] teaches... Lang's principle of operation must be changed to incorporate Giese's "match broker" that analyzes "primitives." Examiner notes that *the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.* In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In other words, Lang teaches the communications services include voice over Internet protocol (VoIP) ([0051]-[0054]). VoIP uses packet switching that segments, transmits, then reassembles. Kato discloses details of packet management. It is not necessary to bodily incorporate every detail of packet management into Lang to show obviousness. The Giese reference is similar.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the **first** paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claims 2-6, 8, 11, 15-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in

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the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Examiner notes that there is a difference between submitting a bid to provide communications services and submitting a bid to segment a stream. The bid is for the entire service, not a part of the service. While the communications service may include segmentation (as noted in Remarks), the bid is for the communication service as a whole. The instant specification does not disclose only bidding to segment a stream. Furthermore, the limitation of receiving a rating from a recipient depending on the segmentation service is not disclosed in the instant specification. That is to say, the recipient is rating the entire communications service, not the segmentation portion. The instant specification does not disclose rating just the segmentation service.

The instant specification discloses *[t]he communications services 38, for example, may include segmentation, dispersion, and aggregation of data segments ([0033])*. While a communications service may use segmentation, it is unclear what applicant is claiming as a “segmentation service.” The instant specification fails to disclose a “segmentation service.”

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang, U.S.

Patent Application Publication Number 2002/0146102 A1 (hereinafter Lang) in view of

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Homayoun, U.S. Patent Number 5,970,121 (hereinafter Homayoun) and further in view of Hurwitz, U.S. Patent Number 6,856,963 B1 (hereinafter Hurwitz).

Regarding **Claim 2**, Lang teaches a method of providing communications services, comprising: submitting a bid to an auction moderator via an online auction to provide the communications services (Figure 1; [0009]; [0015]-[0017]). Lang does not teach submitting a bid to segment a stream of data according to a profile. However, Lang teaches that the communications services that a bid is submitted for include those that use packet switching which segments, transmits, then reassembles, such as VoIP ([0051]-[0054]).

Lang uses the phrase *communications queue master* instead of *auction moderator*. Examiner notes that using a different name to describe the same limitations does not effectively serve to patentably distinguish the claimed invention over the prior art.

Lang does not teach providing a segmentation service to the stream of data. However, Lang teaches the communications services include those that use packet switching which segments, transmits, then reassembles, such as VoIP ([0051]-[0054]). Lang teaches providing the communications services ([0068]-[0069]).

Lang does not teach receiving, at the auction moderator, a service provider rating from a recipient of the segmentation service ~~communications services~~ indicating whether the segmentation service was ~~communications services were~~ satisfactorily provided; and providing a recipient rating to the auction moderator in which a service provider of the segmentation

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service indicates whether the recipient of the segmentation service ~~communications services~~ satisfactorily paid for the communications services.

However, Homayoun discloses receiving a service provider rating from a recipient of the communications services indicating whether the communications services were satisfactorily provided by the service provider (Figures 4 and 5; column 2, lines 34-51; column 7, lines 11-38). Lang teaches *monitoring performance of communications service providers to ensure that they perform services to a level and quality of service that they specify*. This is done by the system monitor of the invention and not the communications service provider ([0020]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang with that of Homayoun to receive ratings of services in order to monitor the services provided.

Furthermore, Hurwitz discloses providing a recipient rating ... indicates whether the recipient satisfactorily paid (column 2, lines 17-23; column 4, lines 13-26). Hurwitz states that *[t]he present invention generates objective feedback for transaction participants by monitoring their actual behavior at a variety of well-defined points in the transaction, such as payment and shipping. Timely payments, for example, may upgrade a buyer's rating....* Lang teaches *[t]he communications queue master is preferably further adapted to identify communications request messages that require billing... The system therefore further comprises the communications billing system for generating a billing record for the respective communications request messages* ([0021]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang with that of Hurwitz to provide payment ratings in order to aid customers to build a good reputation profile.

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Regarding Claim 3, Lang does not teach wherein receiving the service provider rating comprises receiving feedback regarding the recipient of the segmentation service ~~communications services~~, the feedback indicating whether the recipient was satisfied with the segmentation service ~~communications services~~. However, Homayoun further discloses wherein receiving the service provider rating comprises receiving feedback regarding the recipient of the communications services, the feedback indicating whether the recipient was satisfied with the communications services (Figures 4 and 5; column 2, lines 34-51; column 7, lines 11-38). Lang teaches the communications services include those that use packet switching which segments, transmits, then reassembles, such as VoIP ([0051]-[0054]). Lang teaches providing the communications services ([0068]-[0069]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lang's method to receive ratings of services in order to monitor the services provided.

Regarding Claim 4, Lang does not teach wherein receiving the service provider rating comprises receiving the rating from a client communications device associated with the recipient of the segmentation service ~~communications services~~. However, Homayoun further discloses wherein receiving the service provider rating comprises receiving the rating from a client communications device associated with the recipient of the communications services (column 7, lines 12-13). Lang teaches the communications services include those that use packet switching which segments, transmits, then reassembles, such as VoIP ([0051]-[0054]). Lang teaches providing the communications services ([0068]-[0069]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to receive ratings

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of services from a client communications device in order to provide convenient and timely ratings.

Regarding Claim 5, Lang does not teach wherein providing the recipient rating comprises indicating the recipient's credit card accepted charges for the segmentation service ~~communications services~~. Hurwitz does not explicitly disclose wherein providing the recipient rating comprises indicating the recipient's credit card accepted charges for the communications. However, Hurwitz discloses that *[t]ransaction services intermediary receives information about the transaction from the auction site, the buyer, and the seller and coordinates fulfillment of these functions by interacting with other entities such as... credit card companies* (column 2, line 64 - column 3, line 29). Lang teaches the communications services include those that use packet switching which segments, transmits, then reassembles, such as VoIP ([0051]-[0054]). Lang teaches providing the communications services ([0068]-[0069]). It is well known that when purchasing by credit card, acceptance or refusal is indicated almost immediately. Also, it would have been obvious to one of ordinary skill in the art at the time of the invention to include credit card transactions in the recipient rating as using a credit card to pay online is very popular.

10. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Homayoun in view of Hurwitz and further in view of English.

Regarding Claims 6 and 18, Lang does not teach causing display of the service provider rating during a future online auction to indicate that future segmentation service ~~communications services~~ will be satisfactorily provided. However, English teaches causing display of the service provider rating during a future online auction to indicate that future communications services will be satisfactorily provided (Abstract; [0062]). Lang teaches the communications services include

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those that use packet switching which segments, transmits, then reassembles, such as VoIP ([0051]-[0054]). Lang teaches providing the communications services ([0068]-[0069]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to provide the ratings of services in order for customers to make a more informed choice.

11. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Homayoun in view of Hurwitz in view of Kato, U.S. Patent Application Publication Number 2002/0112060 A1 (hereinafter referred to as Kato) and further in view of Giese et al., U.S. Patent Number 6,728,267 B1 (hereinafter Giese).

Regarding Claim 7, Kato discloses a wherein providing the communications services comprise: receiving a first data stream comprising packets of data packetized according to a packet protocol ([0069]), segmenting the first data stream into segments ([0069]), dispersing the segments via a communications network for subsequent processing services ([0059]; [0069]), receiving results of the subsequent processing services ([0059]; [0067]-[0069]), determining a ... processing service is required from a different service provider, grouping together individual packets of data as a new segment that requires the ... processing service, ... the new segment to the different service provider to receive the ... processing, receiving a result of the ... processing service, aggregating the results of the subsequent processing services and the result of the ... processing service into a second data stream ([0059]; [0067]-[0069]), and communicating the second data stream via the communications network ([0059]; [0067]-[0069]). It would have been obvious to one of ordinary skill in the art at the time of the invention to

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modify the Lang, Homayoun, Hurwitz combination with that of Kato to use packet protocol, segmentation, and aggregation in order to provide efficient service.

Giese discloses the use of subcontracted services. For example, *Figure 10 illustrates the method of operation of a match broker 68. A match broker 68 can be constructed to either return service provider matches on single point arguments for each of the submitted primitives 22, 24, or, alternatively, the match broker can return offers matching a range of arguments specified in the primitives 22, 24 for further screening and selection by the user or the user application (column 11, lines 27-35). Furthermore, Giese discloses that [e]lectronic contracts 72 represent the final point at which all details relating services and resources assigned to a user are known and, therefore, contain important relationship information... The electronic contract 72 presented to the user by the customer facing service provider is the result of a series of subcontract at each of the provider interfaces in the end-to-end delivery of a services or set of services (column 13, lines 1-15). Furthermore, Giese discloses that [c]urrent networks provide limited choice of services and the choices available are often difficult to access. Adding functionality to current networks requires complex modification of existing functionality... move application and service logic out of transport nodes and specific telecommunications technologies to higher level entities; providing telecommunications in a multi-player, multi-provider environment...* (column 1, lines 10-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang, Homayoun, Hurwitz, Kato combination with that of Giese to include another service provider in order to obtain the complete service required by the customer.

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12. **Claims 8, 10-16, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang, U.S. Patent Application Publication Number 2002/0146102 A1 (hereinafter Lang) in view of Kato, U.S. Patent Application Publication Number 2002/0112060 A1 (hereinafter referred to as Kato) in view of Snelgrove, U.S. Patent Number 6,535,592 B1 (hereinafter referred to as Snelgrove) and further in view of Hurwitz, U.S. Patent Number 6,856,963 B1 (hereinafter Hurwitz).

Regarding **Claims 8 and 20**, Lang teaches a method and computer program product, respectively, of providing communications services. Lang does not teach auctioning a block of time of usage of a segmentation service ~~communications services~~. Lang teaches auctioning a block of time of usage of the communications services ([0012]; [0015]-[0017]). Lang teaches that the communications services that a bid is submitted for include those that use packet switching which segments, transmits, then reassembles, such as VoIP ([0051]-[0054]).

Lang does not teach that may be shared between multiple client communications devices. However, Snelgrove teaches that may be shared between multiple client communications devices (column 6, lines 55-60; column 7, lines 1-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang with that of Snelgrove to offer sharing in order to provide convenience to the customer.

Lang further teaches receiving a bid at a processor for the block of time during an online auction (Figure 1; [0009]; [0015]-[0017]).

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Lang does not teach segmenting streams of data according to the segmentation service.

However, Kato discloses segmenting streams of data according to a packet protocol ([0059]; [0067]-[0069]). Lang teaches the communications services include those that use packet switching which segments, transmits, then reassembles, such as VoIP ([0051]-[0054]). Lang teaches providing the communications services ([0068]-[0069]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to segment streams of data according to a packet protocol.

Lang does not teach providing a recipient rating at the processor in which a service provider of the segmentation service ~~communications services~~ indicates whether the recipient of the segmentation service ~~communications services~~ satisfactorily paid for the block of time.

However, Hurwitz discloses providing a recipient rating ... indicates whether the recipient satisfactorily paid (column 2, lines 17-23; column 4, lines 13-26). Hurwitz states that *[t]he present invention generates objective feedback for transaction participants by monitoring their actual behavior at a variety of well-defined points in the transaction, such as payment and shipping. Timely payments, for example, may upgrade a buyer's rating....* Lang teaches *[t]he communications queue master is preferably further adapted to identify communications request messages that require billing... The system therefore further comprises the communications billing system for generating a billing record for the respective communications request messages* ([0021]). Lang teaches the communications services include those that use packet switching which segments, transmits, then reassembles, such as VoIP ([0051]-[0054]). Lang teaches providing the communications services ([0068]-[0069]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of

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Lang, Snelgrove combination with that of Hurwitz to provide payment ratings in order to aid customers to build a good reputation profile.

Regarding Claim 10, Snelgrove further teaches wherein the block of time comprises at least one of i) a maximum data transfer rate and ii) a minimum data transfer rate (column 6, lines 42-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to use minimum data transfer rate in order for customers to make a more informed choice.

Regarding Claim 11, Lang does not teach auctioning a block of time of usage, wherein the block of time may be shared between multiple recipients of the segmentation service ~~communications services~~. However, Snelgrove further teaches auctioning a block of time of usage, wherein the block of time may be shared between multiple recipients of the communications services (column 5, lines 41-43 and lines 61-65). Lang teaches the communications services include those that use packet switching which segments, transmits, then reassembles, such as VoIP ([0051]-[0054]). Lang teaches providing the communications services ([0068]-[0069]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

Regarding Claim 12, Snelgrove further teaches auctioning a block of time of usage, wherein the block of time may be shared between multiple telephone numbers (column 6, lines 55-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

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Regarding Claim 13, Snelgrove further teaches auctioning a block of time of usage, wherein the block of time may be shared between multiple client communications devices (column 6, lines 55-60; column 7, lines 1-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

Regarding Claim 14, Snelgrove further teaches auctioning a block of time of usage, wherein the block of time may be shared between multiple client communications devices associated with multiple users (column 6, lines 55-60; column 7, lines 1-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

Regarding Claim 15, Lang does not teach negotiating with a group of recipients for the segmentation service ~~communications services~~, the group comprising recipients willing to pay for the segmentation service ~~communications services~~ and recipients unwilling to pay for the segmentation service ~~communications services~~, wherein the recipients willing to pay for the segmentation service ~~communications services~~ are permitted to sponsor the recipients unwilling to pay for the segmentation service ~~communications services~~. However, Snelgrove further teaches negotiating with a group of recipients for the communications services, the group comprising recipients willing to pay for the communications services and recipients unwilling to pay for the communications services, wherein the recipients willing to pay for the communications services are permitted to sponsor the recipients unwilling to pay for the communications services (column 5, lines 3-5; column 7, lines 16-18). Lang teaches the communications services include those that use packet switching which segments, transmits,

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then reassembles, such as VoIP ([0051]-[0054]). Lang teaches providing the communications services ([0068]-[0069]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer alternative payment plans in order to provide convenience to the customer.

Regarding Claim 16, Lang does not teach wherein providing the segmentation service ~~communications services~~ comprises providing the segmentation service ~~communications services~~ to both recipients willing to pay for the segmentation service ~~communications services~~ and recipients unwilling to pay for the segmentation service ~~communications services~~.

However, Snelgrove further teaches wherein providing the communications services comprises providing the communications services to both recipients willing to pay for the communications services and recipients unwilling to pay for the communications services (column 5, lines 3-5; column 7, lines 16-18). Lang teaches the communications services include those that use packet switching which segments, transmits, then reassembles, such as VoIP ([0051]-[0054]). Lang teaches providing the communications services ([0068]-[0069]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer alternative payment plans in order to provide convenience to the customer.

13. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Snelgrove in view of Hurwitz and further in view of Homayoun, U.S. Patent Number 5,970,121 (hereinafter Homayoun).

Regarding Claim 17, Lang does not teach wherein receiving the service provider rating comprises receiving feedback regarding the recipient of the segmentation service ~~communications services~~, the feedback indicating whether the recipient was satisfied with the

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segmentation service ~~communications services~~. However, Homayoun further discloses wherein receiving the service provider rating comprises receiving feedback regarding the recipient of the communications services, the feedback indicating whether the recipient was satisfied with the communications services (Figures 4 and 5; column 2, lines 34-51; column 7, lines 11-38). Lang teaches the communications services include those that use packet switching which segments, transmits, then reassembles, such as VoIP ([0051]-[0054]). Lang teaches providing the communications services ([0068]-[0069]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang, Snelgrove, Hurwitz with that of Homayoun to receive ratings of services in order to monitor the services provided.

14. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Snelgrove in view of Hurwitz and further in view of English.

Regarding Claim 18, Lang does not teach causing display of the service provider rating during a future online auction to indicate that future segmentation service ~~communications services~~ will be satisfactorily provided. However, English teaches causing display of the service provider rating during a future online auction to indicate that future communications services will be satisfactorily provided (Abstract; [0062]). Lang teaches the communications services include those that use packet switching which segments, transmits, then reassembles, such as VoIP ([0051]-[0054]). Lang teaches providing the communications services ([0068]-[0069]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang, Snelgrove, Hurwitz with that of English to provide the ratings of services in order for customers to make a more informed choice.

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15. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Snelgrove in view of Hurwitz in view of Kato, U.S. Patent Application Publication Number 2002/0112060 A1 (hereinafter referred to as Kato) and further in view of Giese et al., U.S. Patent Number 6,728,267 B1 (hereinafter Giese).

Regarding Claim 19, Kato discloses a wherein providing the communications services comprise: receiving a first data stream comprising packets of data packetized according to a packet protocol ([0069]), segmenting the first data stream into segments ([0069]), dispersing the segments via a communications network for subsequent processing services ([0059]; [0069]), receiving results of the subsequent processing services ([0059]; [0067]-[0069]), determining a ... processing service is required from a different service provider, grouping together individual packets of data as a new segment that requires the ... processing service, ... the new segment to the different service provider to receive the ... processing, receiving a result of the ... processing service, aggregating the results of the subsequent processing services and the result of the ... processing service into a second data stream ([0059]; [0067]-[0069]), and communicating the second data stream via the communications network ([0059]; [0067]-[0069]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Lang, Snelgrove, Hurwitz combination with that of Kato to use packet protocol, segmentation, and aggregation in order to provide efficient service.

Giese discloses the use of subcontracted services. For example, *Figure 10 illustrates the method of operation of a match broker 68. A match broker 68 can be constructed to either return service provider matches on single point arguments for each of the submitted primitives 22, 24, or, alternatively, the match broker can return offers matching a range of arguments specified in the primitives 22, 24 for further screening and selection by the user or the user*

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application (column 11, lines 27-35). Furthermore, Giese discloses that *[e]lectronic contracts 72 represent the final point at which all details relating services and resources assigned to a user are known and, therefore, contain important relationship information... The electronic contract 72 presented to the user by the customer facing service provider is the result of a series of subcontract at each of the provider interfaces in the end-to-end delivery of a services or set of services* (column 13, lines 1-15). Furthermore, Giese discloses that *[c]urrent networks provide limited choice of services and the choices available are often difficult to access. Adding functionality to current networks requires complex modification of existing functionality... move application and service logic out of transport nodes and specific telecommunications technologies to higher level entities; providing telecommunications in a multi-player, multi-provider environment...* (column 1, lines 10-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang, Snelgrove, Hurwitz, Kato combination with that of Giese to include another service provider in order to obtain the complete service required by the customer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBRA ANTONIENKO whose telephone number is (571)270-3601. The examiner can normally be reached on Monday through Thursday, 7:00 AM to 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DA

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689